

relative to artifacts arising due to misalignment of structural positions contained within said two images.” In making this rejection, the Examiner asserted that Kano discloses an image processing method for carrying out image processing on an interimage difference image and that Kano discloses effects caused by various artifacts in subtraction images in Fig. 17. Kano provides the enhancement of the infiltrate in the patient’s right lung after the two images are registered and digitally subtracted (*see*, col. 13, ln. 25-27, Kano). Kano acknowledges this misalignment, but does not enhance an inter-image difference relative to the artifact of misalignment.

The claimed invention takes a difference between 2 images and enhances that difference relative to artifacts of misalignment. By contrast, Kano performs a subtraction process between two images where the image registration technique involves the selection of a number of small regions of interest on the images based on data obtained by image analysis of the two chest images (*see* col. 2, ln. 23-28, Kano). The Examiner relies on the general suppression of misalignment as teaching the claim feature, citing cols. 9-10. The cited positions relate to a form of curve fitting to align images to minimize misalignment. Even with such curve fitting, there is no necessary result that the differences of the inter-image differences will be enhanced relative to the difference due to misalignment artifact in Kano. In other words, the physical alignment of Kano bears no relation to an interimage difference enhancement as claimed. Relatedly, the processing of the invention as claimed is carried out on images obtained by performing operations between images, whereas image processing of Kano is carried out on images before performing operations between images.

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Therefore, the 102 rejection of independent claims 1 and 10 should be withdrawn. Since claims 2, 4, 5, 7, and 9 depend from claim 1 and claims 11 and 13 depend from claim 10, and since the Kano reference does not disclose all the limitations of claim 1, Applicant submits that claims 2, 3, 5, 7, 9, 11, and 13 are patentable at least by virtue of their dependency from claims 1 and 10, respectively. Therefore, the rejection of these claims under 35 U.S.C. § 102 should be reconsidered and withdrawn.

B. Claim Rejections - 35 U.S.C. § 103

Claims 3, 6, 8, 12 and 14 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kano et al in view of Takeo et al (US 6,169,823, hereinafter "Takeo").

Applicant submits that Takeo does not make up for the deficiencies of Kano as set forth above. Accordingly, Kano and Takeo fail to teach carrying out image processing to emphasize a difference between two images so that the substantial difference is distinguished from artifacts.

Therefore, the 103 rejection of claims 3, 6, 8, 12, and 14 should be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

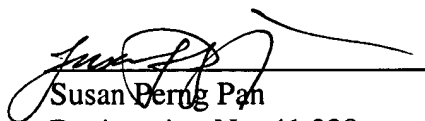
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